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EXAMINER	
BARON, JAMES T	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,428	PATEL, DIPAN	
	Examiner	Art Unit	
	JAMES BARON	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2009*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *60-67,70,72,73,75-83,86 and 88-111* is/are pending in the application.

4a) Of the above claim(s) *92-106* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *60-67,70,72,73,75-83,86,88-91 and 107-111* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to the amendments to the instant application filed on 06/19/2009. Claims 60 – 67, 70, 72 – 73, 75 – 83, 86, 88 – 91, and 107 – 111 have been examined and are currently pending. Claims 1 – 59, 68 – 69, 71, 74, 84 – 85 and 87 have been cancelled by the applicant. Claims 92 – 106 are currently withdrawn from prosecution.

Response to Arguments

1. Applicant's arguments filed 06/19/2009, with respect to the objections to the instant specification; the objection to Claim 71, and the rejections of claims 65, 70 and 86 under 35 USC 112 have been fully considered and deemed persuasive. As such, the objections to the instant specification, the objection to Claim 71, and the rejections of claims 65, 70 and 86 under 35 USC 112 have been withdrawn.

2. Applicant's arguments, filed on 06/19/2009, with respect to amended claim 60, which now incorporates the subject matter from cancelled claims 68, 69 and 74, have been considered but are not persuasive.

3. On Page 14, Paragraph 2, Lines 1 – 2, the applicant argues that Yuhara does not disclose "one unique identifier comprising a string of bits or characters [...] wherein the unique identifier is a string of a first length" as required in Claim 60.

The specific language presented makes two requirements, first for a unique identifier, and that the unique identifier is a string of bits or characters of a first length. In the networking art, a person of ordinary skill in the art would recognize that a bit would refer to a binary digit, which is a basic unit of information that is utilized to store

information in a computer. Meanwhile, a character would refer to a symbol, where a letter, number, or other similar symbol would constitute a character. A string of bits or characters, accordingly, would refer to a group of one or more bits or characters. Accordingly, a person of ordinary skill in the art would recognize that this is how information is stored in computers, as a string of bits, which would either represent an identifier in itself, or would represent a string of characters that would be the identifier. Further, any string of bits or characters would have a determinate length, meaning that the string would have a particular length.

Accordingly, any information stored in a computer system would be "one unique identifier comprising a string of bits or characters [...] wherein the unique identifier is a string of a first length." In the case of Yuhara, Yuhara discloses that the receiving devices all have a locally stored individual identifier (Yuhara: Paragraphs [0031] and [0035]), the locally stored individual identifiers on the receiving devices must be a string or set of bits of a particular length.

4. On Page 14, Paragraph 2, Lines 2 – 3 and Paragraph 3, the applicant argues that Yuhara does not disclose a key for matching at least a portion of the unique identifier included in the transmitted data which corresponds to a shorter length subset of the string of the first length, as required by Claim 60.

The instant claim recites "distributing data to at least the selected devices, the data including at least one matching key for matching at least a portion of the unique identifier of the selected devices; [...] wherein [...] the key corresponds to a shorter length subset of the string of the string of the first length." This is interpreted as any

data being transmitted has a portion or subset that is compared to the length of bits or characters that is being used as an identifier for a receiving device.

Meanwhile, Yuhara discloses a datagram that is being broadcast out to receiving devices (Yuhara: Paragraph [0030], a datagram is broadcast to a select group of receiving devices). This is accomplished by comparing parts of the datagram, i.e. a header portion (Yuhara: Paragraph [0030]), with subsets or sub-portions of the individual identifiers of each of the receiving devices (Yuhara: Paragraph [0037]). The header section of the datagram is compared to each individual identifier, where each individual identifier and datagram is a string of bits as explained above. The datagram has a header section which only uses particular identifiers, i.e. a group identifier associated with only maker, model and year (Yuhara: Paragraph [0037]), where each receiving device's individual identifier would encompass all group identifiers, i.e. maker, model, year, history, features, systems, services, etc. (Yuhara: Paragraph [0036]). Accordingly, Yuhara discloses that the header sections of the datagram would be a shorter subset of the full identifier of the individual identifier.

5. Applicant's arguments, filed 06/19/2009, with respect to claims 71 and 87, the subject matter of which has been incorporated into amended claim 60, have been considered but are moot in view of the new ground(s) of rejection.

However, on Page 14, Paragraph 2, Lines 4 – 5 and Paragraph 4, the applicant argues that Yuhara does not disclose that the shorter length subset of the string is a selectable length, as required by Claim 60, as currently presented.

The instant claim recites "wherein the shorter length subset of the string is of a selectable length." However, there is no requirement as to how this selection occurs. A person of ordinary skill in the art would recognize that upon transmission of data, varying lengths of descriptive information, i.e. a header, is added. Accordingly, this limitation is interpreted as the portion or subset of the transmitted data, i.e. the header, that is compared to the length of bits or characters of the identifier of the receiving device is selected by default upon transmission.

Accordingly, Yuhara discloses that a datagram is directed to a select group of users based upon particular group identifiers, and only the group identifiers for a particular target group that are required are selected, which would be of a shorter length than the individual identifier, and which would be of selectable length based on the number of group identifiers (Yuhara: Paragraph [0037]; Paragraph [049], Lines 1 – 4).

7. Applicant's arguments filed 06/19/2009 regarding the rejection of Claims 70, 86, 90 and 110 under Yuhara and in view of Well Known Practices in the Art have been fully considered but they are not persuasive.

8. On Page 16, Paragraph 6 and Page 17, Paragraph 1, the applicant attempts to traverse of the rejections of Claims 70, 86, 90 and 110 under Yuhara in view of Well Known Practices in the Art. However, according to MPEP 2144.03(C), the applicant's traversal is inadequate because "To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." Rather, the applicants broadly states that "there is no common

knowledge supporting the rejections of claims 70 – 71, 86 – 87, 90 and 110, as evidenced both by the Office Action admitting that these claims describe aspects not found in Yuhara and (in relation to claims 71 and 87) by Applicant's remarks provided above regarding the advantages provided by the claimed features." There is no indication that the arguments provided by the applicant for the Official Notice of the subject matter of Clams 71 and 87 are applicable to Claims 70, 86, 90, and 110. Also, the mere fact that Yuhara does not disclose the claims rejected under 35 USC 103 in view of Known Practices in the Art is not evidence of their non-obviousness. Therefore the applicant has not provided sufficient and specific evidence as to why the subject matter of Claims 70, 86, 90, and 110 would not have been obvious to a person of ordinary skill in the art at the date of filing of the instant application. Accordingly, the traversal of Claims 70, 86, 90 and 110 is inadequate and no new documentary evidence will be provided for these claims at this time.

Claim Construction

9. For purposes of Examination of this Office Action, Claim 111 will be interpreted and examined as an Independent Claim.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 60, 62, 91 and 111 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

12. Regarding Claim 60, the instant claim recites a method, however there is no positive recitations that the method is being implemented on a particular machine; therefore the instant claim is not statutory. Claim 62 is rejected under substantially similar reasoning as explained for Claim 60 above.

13. Regarding Claim 91, in light of the specification, Page 7, Lines 27 – 28, it is a clear indication the applicant intended to claim software per se (a computer program) as a system. Software is not one of the four statutory classes, therefore the instant claim is not statutory.

14. Regarding Claim 111, in light of the specification, Page 6, Lines 23 - 31, it is a clear indication the applicant intended to claim data signal per se as a medium. A data signal is not one of the four statutory classes, therefore the instant claim is not statutory.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 60 – 67, 72 – 73, 75 – 83, 91 and 111 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuhara.

Claim 60

Yuhara teaches a method of selectively distributing data to a set of devices linked by a network (Yuhara: Paragraph [0020], Lines 1 – 3), each said device having at least one unique identifier comprising a string of bits or characters (Yuhara: Paragraph [0021], Lines 6 – 7, the recipient receivers have a locally stored identifier information), the method comprising the steps of:

selecting devices to be members of the set, the set of devices being selected to receive the data based on the at least one unique identifier (Yuhara: Paragraph [0022], Lines 9 – 15, the set of members is selected depending on the receivers in a certain geographic area), the set of devices being selected to receive the data based on the at least one unique identifier (Yuhara: Paragraph [0021], Lines 5 – 9); and

distributing data to at least the selected devices (Yuhara: Paragraph [0021], Lines 3 – 7, a datagram is broadcast from a satellite to a number of receivers in a group), the data including at least one matching key for matching at least a portion of the unique identifier of the selected devices;

wherein the unique identifier is a string of a first length and the key corresponds to a shorter length subset of the string of the first length (Yuhara: Paragraph [0037]; Paragraph [049], Lines 1 – 4); and

wherein the shorter length subset of the string is of a selectable length (Yuhara: Paragraphs [0036] – [0037]).

Claim 61

Yuhara discloses a method according to claim 60 wherein the data is broadcast to a plurality of the devices over the network (Yuhara: Paragraph [0020], Lines 3 – 5)

but wherein only selected devices selectively install the data (Yuhara: Paragraph [0023], Lines 3 – 6; Paragraph [0024], Lines 1 – 4, only devices where the broadcast identifier matches the local identifier will process that datagram).

Claim 62

A method of selectively installing data at one of a set of devices linked by a network, each device having a unique identifier, the method comprising determining whether to install the data based on matching at least a portion of the unique identifier to at least one received matching key associated with the data (Yuhara: Paragraph [0021], Lines 5 – 7, the broadcast datagram includes identification information to identify a segment of receivers to receive the datagram; Yuhara: Paragraph [0023], Lines 3 – 6; Paragraph [0024], Lines 1 – 4, only devices where the broadcast identifier matches the local identifier will process that datagram);

wherein the unique identifier is a string of a first length and the key corresponds to a shorter length subset of the string of the first length (Yuhara: Paragraph [0037]; Paragraph [049], Lines 1 – 4); and

wherein the shorter length subset of the string is of a selectable length (Yuhara: Paragraphs [0036] – [0037]).

Claim 63

Yuhara discloses the method of claim 60 wherein the unique identifier is independent of the content of the data (Yuhara: Paragraph [0034], Lines 2 – 5; Figure 3, the broadcast datagram 314 contains a header and body (data) section).

Claim 64

Yuhara discloses the method of claim 60 wherein the unique identifier is a device hardware identifier (Yuhara: Paragraph [0044], Lines 1 – 3; Figure 3, identifier information 338 = unique identifier)

Claim 65

Yuhara discloses the method of claim 60 wherein the set of devices comprises one of a plurality of partitioned subsets of a population of devices (Yuhara: Paragraph [0020], Lines 3 – 7; Paragraph [0030], Lines 5 – 10, a datagram is broadcast from a satellite to a specifically identified group or number of receivers; see also the 112 rejection for this claim above).

Claim 66

Yuhara discloses the method of claim 60 wherein the set of devices is selected by one or more predetermined geographic regions common to the set devices (Yuhara: Paragraph [0022], Lines 9 – 15, the set of members is selected depending on the receivers in a certain geographic area).

Claim 67

Yuhara discloses the method of claim 60 wherein the data comprises instruction code or a software update (Yuhara: Paragraph [0025], Lines 1 – 7; Paragraph [0032], Lines 1 – 6, the datagram includes an update to a previous datagram or replacement instructions).

Claim 72

Yuhara discloses the method of claim 61 wherein the step of installing the data is performed after performing one or more predetermined action steps to determine

whether or not to install the data (Yuhara: Paragraph [0024], Lines 1 – 4, before processing the datagram, steps are taken to see if the recipient is actually a member of the group of recipients to receive the datagram).

Claim 73

Yuhara discloses the method of claim 72 wherein the one or more action steps include determining whether the data includes the key corresponding to the device (Yuhara: Paragraph [0021]; Figure 1, Step 104).

Claim 75

Yuhara discloses the method of claim 72 wherein the one or more action steps are performed when a device initialization instruction is performed by the device when the device is switched to a power on state or when the device is switched to a standby state (Yuhara: Paragraph[0053], Lines 5 – 10, the receiver 330 receives broadcast datagrams when an external power supply that it is coupled to is engaged).

Claim 76

Yuhara discloses the method of claim 72 wherein the one or more action steps are performed periodically or at regular intervals while the device is in communication with the network (Yuhara: Paragraph [0049], Lines 4 – 9; [0053], Lines 12 – 16, the datagram broadcasts are periodically sent and the receiver will perform the steps for determining whenever it receives the transmission; further the receiver may stop it's current communication to receive the datagram broadcast).

Claim 77

Yuhara discloses the method of claim 72 wherein the one or more predetermined action steps include the steps of:

determining the version of a device data of a set device (Yuhara: Paragraph [0026], Lines 1 – 4; Paragraph [0029], Lines 1 – 4, determining of a previously received copy of datagram = determining version);

comparing the version of the device data with the version of the data to be distributed (Yuhara: Paragraph [0026], Lines 4 – 7; Paragraph [0029], Lines 8 – 12, determining if received datagram had update information of a previously received copy of datagram = comparing the version); and

determining whether or not to perform the step of downloading the data to be distributed, based on the outcome of the step of comparing the versions of the device data and the data to be distributed (Yuhara: Paragraph [0026], Lines 7 – 12; Paragraph [0029], Lines 12 – 16, when the newly received datagram has an instruction to update the previously received datagram, the datagram is modified).

Claim 78

Yuhara discloses the method of claim 72 wherein the predetermined action steps are performed by the device (Yuhara: Paragraph [0020], Lines 1 – 3; Figure 1, process 100, which as explained above performs the predetermined action steps, is performed by the receiver).

Claim 79

Yuhara discloses the method of claim 60 wherein each device is arranged to run a manual update routine for allowing a user to decide whether to download data flagged

as user selectable from the network (Yuhara: Paragraph [0055], Lines 3 – 8, Figure 5, steps 508 – 516), wherein the manual update routine is modified so that, in place of user decision, the routine runs a test routine to determine whether to download data flagged as user selectable (Yuhara: Paragraph [0058], Lines 11 – 16, the received datagram is analyzed to see what component it is meant for or whether it contains data modifying instructions).

Claim 80

Yuhara discloses the method according to claim 79 wherein the test routine comprises comparing the matching key to the unique identifier (Yuhara: Paragraph [0055], Lines 3 – 8, Figure 5, steps 508 – 512).

Claim 81

Yuhara discloses a device for receiving data (Yuhara: Figure 3, receiver 330 = device), the device being linked to other devices by a network (Yuhara: Figure 3), the device including:

a processor (Yuhara, Paragraph [0051], Lines 1 – 2, processor 404);

a memory with stored data procesable by the processor (Yuhara: Paragraph [0051, Lines 5 – 11, buffer memory 406; local memory 408); and

at least one unique identifier comprising a string of bits (Yuhara: as explained in Claim 60 above, identification information 338),

wherein the data stored by the memory includes a routine for checking for update data for the device, and for selectively downloading the data based on at least a portion of the unique identifier, and at least one key associated with the update data (Yuhara,

as explained in the above claims, datagrams containing update data are broadcast periodically to the receiver which, when it receives the datagram, performs a check for if it was intended for the instant receiver and then performs the functions of the datagram after being analyzed);

wherein the unique identifier is a string of a first length and the key corresponds to a shorter length subset of the string of the first length (Yuhara: Paragraph [0037]; Paragraph [049], Lines 1 – 4); and

wherein the shorter length subset of the string is of a selectable length (Yuhara: Paragraphs [0036] – [0037]).

Claim 82

Yuhara discloses the device of claim 81 wherein the update data includes the key and the device selectively downloads the update data when the key correlates to the at least a portion of the unique identifier (These limitations were explained above in the rejection for Claim 62 and thus the instant claim is rejected for substantially similar reasons).

Claim 83

Yuhara discloses the device of claim 81 wherein the unique identifier is a device hardware identifier (These limitations were explained above in the rejection for Claim 64 and thus the instant claim is rejected for substantially similar reasons).

Claim 91

Yuhara discloses a system for selectively distributing data to of a set of devices linked by a network, each said device having at least one unique identifier comprising a string of bits or characters, the system comprising:

means for selecting devices to be members of the set, the set of devices being selected to receive the data based on respective unique identifiers of the devices (these limitations were explained above in the rejection for Claim 60 and thus are rejected for substantially similar reasons);

means for distributing data to at least each selected device, the data including at least one matching key for matching at least a portion of the unique identifier of selected device (these limitations were explained above in the rejection for Claim 60 and thus are rejected for substantially similar reasons); and

means for storing the data at each respective selected device (these limitations were explained above in the rejection for Claim 81 and thus are rejected for substantially similar reasons);

wherein the unique identifier is a string of a first length and the key corresponds to a shorter length subset of the string of the first length (Yuhara: Paragraph [0037]; Paragraph [049], Lines 1 – 4); and

wherein the shorter length subset of the string is of a selectable length (Yuhara: Paragraphs [0036] – [0037]).

Claim 111

Yuhara discloses a computer readable medium comprising instructions for performing the method of claim 60 (Yuhara: Abstract; Paragraph [0006], Lines 1 – 3, see computer program product).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. Claims 88 – 89, and 107 – 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuhara et al. and further in view of Wasilewski et al. (US 2004/0107350 A1), hereafter Wasilewski.

Claim 88

Yuhara does not expressly teach the device of claim 81 wherein the device is a set top box.

Wasilewski teaches wherein the device is a set top box (Wasilewski: Paragraph [0052] Lines 1 – 6, set-top-box 113 receives broadcasts).

The substitution of one known element (the set-top-box of Wasilewski) for another (the receiver of Yuhara) would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of the set-top-box shown in Wasilewski would have yielded predictable results, namely, the set-top-box would have received the broadcast updated software instead of the receiver of Yuhara to with the substantially similar outcome of the set-top-box's software being updates.

Claim 89

Yuhara does not expressly teach the device of claim 81 wherein the network is a subscription television service.

Wasilewski teaches wherein the network is a subscription television service (Wasilewski: Paragraph [0050], Lines 3 – 7, service distribution organization 103 = subscription television service).

The substitution of one known element (the service distribution organization of Wasilewski) for another (the wireless network of Yuhara) would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of the service distribution organization shown in Wasilewski would have yielded predictable results, namely, the service distribution organization would have been used for broadcasting updated software instead of the wireless network of Yuhara with a substantially similar outcome of the service distribution organization being used for broadcasting software updates.

Claim 107

The method of claim 60 wherein the devices are set top boxes (these limitations were explained above in the rejection for Claim 88 and thus the instant claim is rejected for substantially similar reasons).

Claim 108

The method of claim 60 wherein the network is a subscription television service (these limitations were explained above in the rejection for Claim 89 and thus the instant claim is rejected for substantially similar reasons).

Claim 109

Yuhara does not expressly teach method of claim 108 wherein the set of devices is selected by determining one or more channels subscribed by and common to users of the respective devices.

Wasilewski teaches the set of devices is selected by determining one or more channels subscribed by and common to users of the respective devices (Wasilewski: Paragraph [0052]).

The substitution of one known element (the service distribution organization of Wasilewski) for another (the wireless network of Yuhara) would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of the service distribution organization shown in Wasilewski would have yielded predictable results, namely, the service distribution organization would have been used for broadcasting updated software instead of the wireless network of Yuhara with a substantially similar outcome of the service distribution organization being used for broadcasting software updates.

19. Claims 70, 86, 90, and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuhara et al. and further in view of Known Practices in the Art.

Claim 70

Yuhara does not expressly teach the method of claim 69 wherein the first length is at least about 32 bits.

Official notice is taken that it is known in the art, that when designing and implementing a design for a device, the designer will implement a string of bits that is necessary for the design of the particular device. This string can be at least 32 bits in length as necessitated by design.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to implement a string of bits to represent an identifier for a device, in this case at least 32 bit are used. This string of bits is arbitrary because Applicant has not disclosed that having the first length is at least about 32 bits provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any number of bits because it is well known in the art to use 1 bit flags as identifiers for in devices and systems.

Therefore, it would have been an obvious matter of design choice to modify Yuhara to obtain the invention as specified in claim 70.

Claim 86

The instant claim is substantially similar to Claim 70 above and is rejected under substantially similar grounds as explained in Claim 70 above.

Claim 90

Yuhara teaches the device of claim 81.

Yuhara does not expressly teach wherein the devices are:

mobile telephones and the network is a mobile telephone network; or

telephone base stations and the network is a telephone network; or

computers and the network is a computer network; or

back to base home security devices and the network is a back to base security network.

The instant claim is reciting a list of devices that would comprise the elements and perform the routine recited in Claim 81. It would have been obvious to a person of ordinary skill in, in view of Yuhara's invention, that any of theses devices can comprise the elements and would have been capable of performing the routine recited in Claim 81.

Claim 110

The instant Claim is substantially similar to Claim 90 above and is rejected for substantially similar grounds as in Claim 90 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Brown et al. -- US 5627842 A;

Srinivasan et al. – US 6237061 B1;

Romanov, Aleksey – US 6434144 B1;

Van Lunteren, Jan – US 6611832 B1; and

Tada et al. – US 2004/0156508 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES BARON whose telephone number is (571)270-5661. The examiner can normally be reached on weekdays from 8 - 4 and Wednesday mornings..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. B./
Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456